

HOUSING DIVISION RULES

PART III: MOBILE HOME PARK WARRANTY OF HABITABILITY

1. PURPOSE AND AUTHORITY.

Act 141 of the 1994 General Assembly of the State of Vermont directed the Department of Housing and Community Affairs (Now called Economic, Housing and Community Development), in cooperation with the Agency of Natural Resources, the Department of Labor and Industry (Division of Fire Safety, now part of the Department of Public Safety) and the Department of Health, to, by rule adopt standards for safety, cleanliness and fitness for human habitation regarding the rental of a mobile home lot within a mobile home park. 10 V.S.A. § 6262(b). The following rules establish standards for determining a mobile home park lot's safety, cleanliness and fitness for human habitation.

2. DEFINITIONS.

The definitions set forth in this Section 2 shall apply to the rules of the Housing Division, Part III, Mobile Home Park Warranty of Habitability.

2.1 "Common Areas and Facilities" means any structures, facilities or areas located inside a mobile home park that are intended for the convenience and/or enjoyment of the residents. Common areas and facilities may include, but are not limited to, common laundry facilities, recreation or community rooms, mailboxes, sidewalks that are not used solely for access to a mobile home on a lot, storage areas, pools and playground areas that are owned and/or controlled by the mobile home park owner.

2.2 "Commissioner" means the Commissioner of the Department of Economic, Housing and Community Development of the Agency of Commerce and Community Development for the State of Vermont.

2.3 "Department" means the Department of Economic, Housing and Community Development of the Agency of Commerce and Community Development for the State of Vermont.

2.4 " Leaseholder" means a resident lawfully occupying a mobile home owned by the park owner or the owner of a mobile home sited on a mobile home lot in a mobile home park regardless of whether the leaseholder has actual possession of a written lease.

2.5 "Mobile Home Park" means any parcel or contiguous lots of land under common ownership or control on which are sited, or which is designed, laid out or adapted to accommodate, more than two mobile homes. A parcel or contiguous lots owned by agricultural employers providing up to four mobile homes for use by full time workers or employees, and a parcel or contiguous lots used solely on a seasonal basis for vacation or recreational mobile homes shall not be considered a mobile home park.

2.6 "Mobile Home Park Lot" means the area established by the owner of the mobile home park as being the area in which the leaseholder establishes a property right by way of a lease. If no area is established the lot shall be the footprint of the mobile home, including any steps, porches or additions attached to the mobile home.

2.7 "Mobile Home Park Owner(s)" means one or more owners, operators, officers, managing agents, or other persons with practical authority to establish rules, policies, or other requirements of a mobile home park.

2.8 "Potable Water" means water free from impurities in amounts sufficient to cause disease or harmful physiological effects and having bacteriological, chemical, physical, and radiological quality conforming to applicable standards of the Vermont Agency of Natural Resources. This definition is intended to create a definable standard under which it can be determined if the water in question causes a health or safety problem. Nothing in this definition is intended to require water testing in a mobile home park, except in cases of dispute, when it is not otherwise required to do so by current Water Supply Rules.

2.9 "Premises" means a mobile home park lot and improvements thereon, and any part of a mobile home park.

2.10 "Resident" means any individual, individuals, or family who occupy a mobile home in a mobile home park on a permanent or temporary basis.

3. APPLICABILITY.

These rules are not intended to limit or otherwise affect the power of any governmental authority with respect to federal, state or local enforcement of any law.

4. RESPONSIBILITY OF MOBILE HOME PARK OWNER(S).

4.1 General. In any lease, the mobile home park owner shall be deemed to covenant and warrant to deliver over and maintain, throughout the period of the tenancy, premises which are safe, clean and fit for human habitation. This warranty requires the park owner to provide adequate and reliable utility services, including safe electrical services, potable water and sewage disposal to a location

on each mobile home park lot from which these utilities can be connected to the mobile home. The warranty also requires the mobile home park owner to assure that the roads, common areas and facilities within the mobile home park are safe and fit for the purpose for which they were reasonably intended. 10 V.S.A. § 6262(a). This obligation shall not apply to property or utility services which are not owned by the mobile home park owner.

4.2 Utilities. No mobile home park owner shall cause to be removed, shut off or discontinued for any leased mobile home park lot, any utility which is required by these rules, except for such temporary interruption as may be necessary while actual repairs or alterations are in process, during temporary emergencies or if health, safety or property is threatened. This rule does not apply to abandoned mobile homes as determined by 10 V.S.A. § 6248 or mobile homes on which a writ of possession has been issued by a court of law. This shall not be construed to prohibit disconnection due to nonpayment of water charges by a water system approved by the Vermont Public service board or to interfere in any way with rights and obligations of an approved water system.

4.3 No Waiver of Implied Warranty of Habitability. No lease shall contain any provision by which the resident waives the protection of the implied warranty of habitability. Any such waiver shall be deemed contrary to public policy and shall be unenforceable and void. 10 V.S.A. § 6262(c).

5. RESPONSIBILITY OF MOBILE HOME PARK RESIDENT(S).

No resident shall use or occupy the premises in such a way as to cause any failure to comply with these rules and the standards of habitability set forth in 10 V.S.A. § 6262(a). The resident shall not deliberately or negligently destroy, deface, damage, alter or remove any fixture, mechanical or utility system, or furnishings nor permit any guest, invitee or household member do so. A resident shall not plant any vegetation or trees, nor construct or alter any landscaping on the lot without prior written approval from the mobile home park owner, which shall not be unreasonably withheld.

6. ELECTRICAL SERVICE.

6.1 Mobile Home Park Owner Responsibility. Mobile home park owners are required to provide each mobile home park lot with safe electrical service. The mobile home park owner is responsible for the electrical service and equipment located outside the mobile home including the feeder line from the service disconnect to the mobile home.

6.2 Leaseholder Responsibility. The Leaseholder shall ensure that the feeder line is properly connected to the mobile home.

7. WATER SUPPLY.

7.1 Owner Responsibility. Mobile home park owners are required to ensure that each mobile home park lot is supplied with potable water. Owners whose water systems are subject to the Vermont Water Supply Rules shall operate their systems in conformity with those rules. Owners shall further ensure adequate water pressure to meet the standard everyday needs of the leaseholder(s) and that the pressure is sufficient to prevent a health hazard from back siphonage. Owners are responsible for the maintenance of water lines to a point at which the lines surface under the mobile home.

7.2 Resident Responsibility. Residents shall ensure that the appliances, faucets, and toilets within the mobile home are free from leaks that will cause an unnecessary drain on the water supply. Residents shall ensure that water pipes on the mobile home park lot that are exposed to the elements are protected in a manner that reasonably prevents their freezing during the winter months. Running water shall not be used as a means of preventing freezing without the consent of the mobile home park owner. Running water to prevent freezing is not the preferred solution and should only be performed as a last resort and only in extreme and/or temporary situations.

8. SEWAGE DISPOSAL.

8.1 Owner Responsibility. Mobile home park owners are required to provide every mobile home park lot with adequate wastewater disposal that is properly connected to a public sewage system or properly operating subsurface disposal system. A proper disposal system is one that does not affect the potability of the water supply, one that does not cause the wastewater to surface above ground, and one that does not cause backup into any mobile home. Owners are responsible for ensuring that the sewage disposal system is serviced adequately to prevent surfacing or back-up. Owners are responsible for the maintenance of the sewage disposal system to the point where it surfaces from the ground to service the mobile home.

8.2 Resident Responsibility. The leaseholder shall ensure that the mobile home is properly connected to the mobile home park's wastewater disposal system. Residents shall ensure that the appliances, faucets and toilets within the mobile home are free from leaks, and shall not dispose of anything other than normal domestic wastewater in the wastewater system. Residents shall be responsible for damage caused by failing to comply with these requirements.

9. SANITATION.

9.1 Owner Responsibility. A mobile home park owner shall not prohibit or hinder appropriate removal of household waste by a resident or any contractor hired by a resident. A mobile home park owner may provide rubbish removal, however, residents' use of such service shall not be required as a condition of the lease. Nothing in this rule shall affect reasonable obligations concerning the removal of household waste that may be set forth in a lease.

9.2 Resident Responsibility. Household waste that is placed outside a mobile home shall be stored in animal-proof (to the extent feasible), watertight receptacles of metal or other durable materials with tight-fitting covers and shall be removed and disposed of properly. A resident shall not accumulate or store rubbish anywhere on the lot, under the mobile home or in any structure. Nothing in this rule shall affect reasonable obligations concerning the removal of household waste that may be set forth in a lease.

10. INSECTS AND RODENTS.

10.1 Owner Responsibility. A mobile home park owner shall maintain free from rats and reasonably free from all insects, vermin or other pests, all common area structures, abandoned homes, and common trash areas.

10.2 Resident Responsibility. The resident shall maintain the mobile home and lot free from rats and reasonably free from insects, vermin or other pests and shall ensure that the mobile home is properly skirted with weather-tight skirting at all times, except temporarily for maintenance or access. However, if the mobile home park owner owns the mobile home and offers it for rental, the mobile home park owner shall ensure that the mobile home is skirted with weather-tight skirting at all times, except temporarily for maintenance or access.

11. COMMON AREAS.

11.1 Owner Responsibility. A mobile home park owner shall ensure that common areas and facilities are safe and maintained in a manner that ensures that residents can utilize them for their reasonably intended purpose.

11.2 Resident Responsibility. The resident shall not utilize common areas and facilities in a manner that will cause or prevent other residents from utilizing them for their reasonably intended purpose, nor disturb others' peaceful enjoyment of the premises.

12. ROADS.

12.1 Owner Responsibility. A mobile home park owner shall maintain roads within the mobile home park ("park roads") reasonably free from hazards and in a manner that ensures safe and reliable ingress, egress and use without unreasonable interruption on a year-round basis, including the adequate and timely removal of snow and mitigation of icy conditions. Park roads shall be maintained reasonably free of potholes or depressions in which surface water can accumulate and constitute a health and safety hazard. A mobile home park owner may establish rules pertaining to use of park roads by residents and their guests.

12.2 Resident Responsibility. Residents shall not damage, alter or block any park roads and shall not use park roads in any manner that could endanger any person or property. Pedestrians shall have the right of way over motor vehicles.

13. PREMISES.

13.1 Owner Responsibility. A mobile home park owner shall maintain or remove trees as necessary to ensure that they do not create any hazard, danger to persons, or damage to property. A mobile home park owner shall provide adequate drainage to prevent standing pools of water, erosion, or sink holes, and to mitigate flooding to the greatest extent feasible.

13.2 Resident Responsibility. Residents shall notify the park owner of any hazardous, dangerous, or damaging trees promptly. Unless the lease provides otherwise, residents are responsible for snow removal from parking spaces and walkways on their lot.